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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

11 MARKIQUESE CHESS,

12 Plaintiff,

13 vs.

14 TROY GARDINER PIEPER, PIEPER NEW  
YORK-MULTISTATE BAR REVIEW, LTD.;  
15 DOES I-X; ROE BUSINESS ENTITIES XI-XX,

16 Defendants.  
17

Case No.: 2:24-CV-00466

**STIPULATION AND (PROPOSED)  
ORDER TO EXTEND DISCOVERY  
DEADLINES**

**(FIRST REQUEST)**

18 IT IS HEREBY STIPULATED AND AGREED TO by and between Plaintiff, MARKIQUESE  
19 CHESS ("Plaintiff"), by and through his counsel of record, Sean K. Claggett, Esq., Shannon L. Wise,  
20 Esq., and Amelia M. Mallette, Esq. of CLAGGETT & SYKES LAW FIRM, Defendant, TROY  
21 GARDINER PIEPER ("Pieper"), by and through his counsel of record, M. Caleb Meyer, Esq. and Renee  
22 M. Finch, Esq. of MESSNER REEVES, LLP, and Defendant, PIEPER NEW YORK-MULTISTATE  
23 BAR REVIEW, LTD. ("Pieper Bar Review"), by and through its counsel of record, BRIAN K. TERRY,  
24 ESQ. of THORNDAL ARMSTRONG, PC pursuant to Fed. R. Civ P. 6(b), LR IA 6-1, LR 26-1 and LR  
25 26-3, that the Discovery Deadlines be extended by an additional 30 days. This is the Parties' First  
26 Request for a continuance of the discovery deadlines.

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**A. DISCOVERY COMPLETED TO DATE**

- a. On April 23, 2024, Plaintiff served his FRCP 26 Initial Disclosures;
- b. On May 1, 2024, Pieper Bar Review served its FRCP 26 Initial Disclosures;
- c. On May 17, 2024, Pieper served his FRCP 26 Initial Disclosures;
- d. On May 31, 2024, Plaintiff served his first supplement to FRCP 26 Initial Disclosures;
- e. On June 10, 2024, Plaintiff served his second supplement to FRCP 26 Initial Disclosures;
- f. On June 10, 2024, Plaintiff propounded his first set of written discovery upon Pieper, which responses are due on or before July 15, 2024; and
- g. On June 14, 2024, Plaintiff served his Notice of Issuance of Subpoena Duces Tecum to the Las Vegas Metropolitan Police Department.

**B. DISCOVERY THAT REMAINS TO BE COMPLETED**

The parties have agreed to a 30-day extension to complete the remaining discovery. The discovery that remains to be completed includes:

- a. Propound and respond to additional written discovery;
- b. Deposition of the Plaintiff, which is being scheduled;
- c. Rule 35 Examination of the Plaintiff, which is being scheduled;
- d. Deposition of Troy Gardiner Pieper, which is being scheduled;
- e. Deposition of Pieper Bar Review FRCP 30(b)(6) witnesses;
- f. Disclosure of Expert Witnesses and Reports;
- g. Depositions of Expert Witnesses; and
- h. Follow up discovery efforts as needed.

**C. REASONS WHY THE PARTIES ARE REQUESTING EXTENSION/GOOD CAUSE**

Good cause exists for the extension of the current discovery deadlines as the Parties require additional time to complete the remaining necessary discovery, and the Parties can demonstrate excusable neglect justifying the filing of this stipulation less than 20 days prior to the current expert disclosure deadline. The Plaintiff claims that he is currently a resident of New York State (which claim has been the underlying dispute of the Motion to Remand currently pending before this Court). Defendant Pieper is a resident of New York and Defendant Pieper Bar Review is a business incorporated

under the laws of the State of New York and conducts business in New York. Accordingly, all of the Parties are outside of the state of Nevada. Defendant Pieper has requested the Plaintiff to appear for a physical examination pursuant to FRCP Rule 35 (“Rule 35 Exam”). As of the date of this Stipulation, Plaintiff has agreed to travel to Las Vegas for a Rule 35 Exam on June 29, 2024. As the current expert disclosure deadline is July 11, 2024, the Parties are requesting a brief extension of the remaining deadlines to allow the examining expert time to prepare his report after the exam. If granted, the new expert disclosure deadline would be August 12, 2024.

Furthermore, Defendant Pieper is currently undergoing cancer chemotherapy treatments. Accordingly, the Parties have set is remote deposition for August 15, 2024 to accommodate his treatment schedule. The Parties are also in discussions to set the deposition of Plaintiff remotely.

Extension of the deadlines would also afford the Parties more time to complete written discovery and to take depositions of the expert witnesses, as necessary. All Parties believe that the Court’s granting of this stipulation would further the interests of justice and advance the merits of the case. As such, good cause exists for extending discovery. This request is not made for dilatory purposes.

#### **D. PROPOSED REVISED DISCOVERY SCHEDULE**

	<b>CURRENT DEADLINE</b>	<b>PROPOSED DEADLINE</b>
Amended Pleadings	<b>June 11, 2024</b>	<b>CLOSED</b>
Initial Expert Disclosure	<b>July 11, 2024</b>	<b>August 12, 2024<sup>1</sup></b>
Rebuttal Expert Disclosure	<b>August 12, 2024</b>	<b>September 11, 2024</b>
Discovery Cut-Off	<b>September 9, 2024</b>	<b>October 9, 2024</b>
Dispositive Motions	<b>October 9, 2024</b>	<b>November 8, 2024</b>
Pre-Trial Order	<b>November 8, 2024</b>	<b>December 9, 2024<sup>2*</sup></b>

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<sup>1</sup> August 10, 2024 falls on a Saturday.

<sup>2</sup> December 8, 2024 falls on a Sunday.

\*In the event that dispositive motions are filed, the date for filing the joint pretrial order will be suspended until thirty (30) days after decision of the dispositive motions or further order of the Court.

IT IS SO STIPULATED.

Dated this 24<sup>th</sup> day of June, 2024.

MESSNER REEVES, LLP

/s/ Renee M. Finch

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*Troy Gardiner Pieper*

Dated this 26<sup>th</sup> day of June, 2024.

THORNDAL ARMSTRONG, PC

/s/ Brian K. Terry

Brian K. Terry, Esq.  
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*Attorneys for Defendant*  
*Pieper New York-Multistate Bar Review, Ltd.*

Dated this 24<sup>th</sup> day of June, 2024.

CLAGGETT & SYKES LAW FIRM

/s/ Amelia M. Mallette

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*Attorneys for Plaintiff*

IT IS SO ORDERED.

  
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U.S. MAGISTRATE JUDGE

DATED: June 27, 2024